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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,774

07/30/2003

Ju Hwan Yun

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EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1746

MAIL DATE

DELIVERY MODE

02/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/629,774

Applicant(s)

YUN ET AL.

Examiner

Rita R. Patel

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


MICHAEL BARR
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed in the response (1/9/07) are not persuasive for the reasons of record and the reason provided herein:

Firstly, applicant remarks that the Mills reference fails to teach a frame having a curved "front surface" particularly in the "left/right directions" and states that such features which are within the capability of one of ordinary skill are not sufficient to establish a prima facie case of obviousness without some objective reason for the proposed modification; applicant states the Office is using impermissible hindsight to arrive at the applicant's claimed invention. However, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Glass or plastic are malleable materials commonly wrought in various shapes to meet aesthetic criteria. In the art of windows for washing machines, Examiner's motivation for having a curved window structure in Mills is repeated here: curved windows are commonly known in the art for achieving a strong window surface that is a known equivalent in the art for maintaining minimization of heat loss therefrom, while concurrently providing an aesthetic view for the user to see inside the machine. A curved window amplifies the view inside the apparatus, hence allowing a magnified/detailed view to the user of items being laundered therein. Users are known in the art to commonly check on the status of the items being laundered therein said machines during operation thereby allowing users to check the status of laundering without opening the machine or impeding laundry functions; a laundry machine comprising an enhanced curved-window view achieves said means for an aesthetically improved view inside the machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to embody curved window surfaces in the Mills reference; curved windows are commonly known in the art for use in the art of home appliances for offering the user an ability to easily see inside the machine during operation. It is noted for the record, that applicant fails to argue these points of motivation for having a curved window surface in a washing machine. Secondly, applicant argues that there is no motivation for the proposed combination of Studt and Mills; applicant argues that modifying Studt to include Mills' pair of rectangular windows would destroy Studt's intended teachings of providing "a thin upper door portion to provide maximum volume within a dryer", however, the inclusion of a pair of rectangular windows that especially curved outwards would not interfere with the volume within the drum of the machine because it would instead create more room inside the apparatus since the outwardly curved windows would form an increased egress for articles to be held within the machine. Also, a double-window system does not necessarily delimit the space within such a machine; the second window may be formed outside the original window of Studt such that the space inside the machine is not decreased at all. It is known in the art to choose aesthetic designs that make such machines more operable to users and thus having a window that curves outwards would provide more space inside the machine, and concurrently achieve aforementioned benefits. Correspondingly, prior claim rejections over applicant's claims are maintained.